

EXHIBIT 8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SERGIO L. RAMIREZ, on)	
behalf of himself and all)	
others similarly situated,)	
)	Case No.
Plaintiff,)	CV-11-00180-CW
vs.)	
)	
TRANS UNION, LLC,)	
)	
Defendant.)	
)	

DEPOSITION OF DUBLIN NISSAN

January 16, 2013

SANDRA LEE HOCKIN, CSR #7372

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YEARS

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1 have?

2 MR. OGILVIE: I have copies, yeah.

3 MR. BELL: Thank you.

4 BY MR. OGILVIE:

5 Q. Well, let me -- do you know from the documents
6 or from talking to people at the dealership how Dublin
7 Nissan was getting credit reports in February 2011 when
8 the Ramirez transaction occurred?

9 MR. BELL: Objection. Vague.

10 THE WITNESS: It was -- we ran credit bureaus
11 either through ADP or DealerTrack. And I don't know
12 which one at the time.

13 BY MR. OGILVIE:

14 Q. Would you turn to the document numbered DUBLIN
15 NISSAN 32.

16 A. Okay.

17 Q. You mentioned DealerTrack as one of the entities
18 through which Dublin Nissan obtained credit reports;
19 right?

20 A. Yes.

21 Q. This DealerTrack document that begins on DUBLIN
22 NISSAN 32, is that the contract to get those credit
23 reports?

24 A. Yeah. It looks like it.

25 Q. Okay. Do you know of any other contract with

1 sale contracts where the customer agrees to buy a vehicle
2 at a certain price and pay a monthly payment of a certain
3 amount; is that right?

4 A. Yeah. Or it could be a cash purchase. It's the
5 same form.

6 Q. Same form.

7 Now, when does the dealer pull a consumer credit
8 report?

9 MR. BELL: Objection. Vague.

10 THE WITNESS: Prior to making that agreement.

11 BY MR. OGILVIE:

12 Q. Tell me the process that leads -- that you go
13 through that leads up to pulling a consumer's credit
14 report.

15 A. Normally, once you've landed on a vehicle and
16 negotiated some price, at that point you would go to the
17 next step, which would be fill out a credit application.
18 Once the credit application is completed and signed by
19 the consumer, then that gives us authorization to run
20 their credit to determine which bank, what interest rate,
21 what term, how much down. All of that would be set at
22 that point.

23 Q. The agreement to sell the car is made between
24 the dealer and the customer; right?

25 A. The 553 form?

1 Q. 553 form.

2 A. Yes.

3 Q. And that's where the customer agrees to make a
4 certain number of payments over a certain number of
5 months; right?

6 A. Correct.

7 Q. And they agree to the interest rate and all of
8 that?

9 A. Correct.

10 Q. And then after the dealer has entered into that
11 agreement, the dealer then sells that contract to the
12 bank or finance company that's already agreed to take it;
13 is that how it works?

14 A. They don't sell it, but we send it to them for
15 funding.

16 Q. You assign it to them?

17 A. Yes.

18 Q. But it's all pre-arranged that they are going to
19 take it before you ever ink the deal with the customer;
20 right?

21 A. Most of the time, yes.

22 Q. And the reason that you pull the credit report
23 of the customer is because the customer has given you an
24 application to get credit?

25 A. They have authorized us, yes, at that point.

1 Q. And they have filled out a credit application
2 like DUBLIN NISSAN 2, I think, isn't it? The credit
3 application in this case, Pages 2 and 3?

4 A. Correct.

5 MR. OGILVIE: And I'm going to make that an
6 exhibit.

7 (Coito Exhibit 6 marked for identification.)

8 The court reporter has marked as Exhibit 6 to
9 Ms. Coito's deposition the documents produced earlier in
10 the case by Dublin Nissan. They are numbered DUBLIN
11 NISSAN 2 and DUBLIN NISSAN 3.

12 Q. This Exhibit 6, Ms. Coito, that's the credit
13 application that was filled out by Mr. Ramirez, the
14 plaintiff in this case?

15 A. Correct.

16 Q. Okay. And what was returned as a result of
17 getting that credit application?

18 MR. BELL: Objection. Vague.

19 THE WITNESS: What do you mean?

20 BY MR. OGILVIE:

21 Q. Well, you've produced some documents, including
22 DUBLIN NISSAN 6 and 7.

23 A. So you're asking me about what credit bureau was
24 run?

25 Q. Yeah. What credit bureau -- you got a credit

1 report --

2 A. Right.

3 Q. -- in response to the credit application; right?

4 A. Correct.

5 Q. So let's go back and sort of recreate the
6 situation.

7 Mr. Ramirez is sitting there at the dealership
8 with -- I guess it was Mr. Burns on February 27, 2011.
9 Mr. Ramirez filled out the credit application, Exhibit 6;
10 right?

11 A. Yes.

12 Q. And then what did Mr. Burns do with it, as you
13 understand it?

14 A. He would go to his manager and finance manager
15 and have them look at it. But I wasn't there so I can't
16 tell you the process, but that's the normal process.

17 Q. And then?

18 A. And then they would make a determination on what
19 bank we're going to, if we're going to extend credit, you
20 know.

21 Q. But in the process, they pulled the credit
22 report for Mr. Ramirez; right?

23 A. Okay. So he brought them the credit ap and then
24 they go ahead and submit it through DealerTrack or ADP
25 and get a credit bureau.

1 A. Yes.

2 Q. Okay. What do you do? Describe sort of step by
3 step how you, as a finance person or salesperson at an
4 auto dealer, obtain a credit report on a consumer using a
5 computer terminal.

6 MR. BELL: Objection, foundation.

7 THE WITNESS: First of all, salespeople don't
8 obtain credit. It's either finance or management level
9 that would obtain credit through our DMS or DealerTrack.
10 And it's basically just a series of screens where you
11 input the information that they provide on the credit
12 application into the system and then transmit it.

13 MR. OGILVIE: Okay.

14 Q. And you've been in the capacity of finance
15 person or management so that you've actually personally
16 accessed credit reports; correct?

17 A. Correct.

18 Q. So there's no question you know how to do this;
19 right?

20 A. Yes.

21 Q. And you're talking about using screens. These
22 are computer screens that come up on the various systems
23 that you might use?

24 A. Correct.

25 Q. Okay. And what information from the consumer's

1 credit application do you type into that screen in order
2 to get that consumer's credit report?

3 A. You need first/last name, address, date of
4 birth, Social Security number. And if they have less
5 than two years residence history, you need previous
6 residence history. You need job, present employer and
7 occupation. If it's less than two years, you need
8 previous. And then you'll need current rental or
9 mortgage information. And that's enough to run the
10 credit at that point.

11 Q. Do you put all that information into the screen
12 before you get the credit report?

13 A. You have to.

14 Q. You have to.

15 A. Yeah. You can't run it without that
16 information.

17 Q. So, first name...

18 A. You need first name/last name.

19 Q. The person's current address?

20 A. Current address and previous address, if it's
21 less than two years. Date of birth, Social Security
22 number. And then you're going to need present employer,
23 current occupation. You know, they want to know how long
24 they are on the job. If it's less than two years, again,
25 previous employer. You do need gross monthly income, and

1 then their rent or mortgage information. And then if
2 there's a co-buyer, you enter that information as well.

3 Q. What happens if you just enter somebody's first
4 name and last name and push "enter"?

5 A. It won't allow you to. It will come up with --
6 I don't know if it's red dots, but it will tell you all
7 the required fields before you can proceed.

8 Q. Have you ever worked with a system where you
9 could search for a credit report on a consumer using just
10 the consumer's first name or last name?

11 A. No.

12 MR. BELL: Objection. Vague.

13 THE WITNESS: No.

14 BY MR. OGILVIE:

15 Q. Do you have customers who come into your
16 dealership who have names that are -- where their first
17 names and last names match the names of other customers
18 that you've seen?

19 A. Of course.

20 Q. And do you have others where the first name --
21 or initial of the first name and the last name match the
22 initial of the first name and the last name of other
23 customers?

24 A. Of course.

25 Q. Would you ever pull a credit report, even if the

1 of the testimony given by the witness. (Fed. R. Civ. P.
2 30(f)(1)).

3 Before completion of the deposition, review of
4 the transcript [x] was [] was not requested. If
5 requested, any changes made by the deponent (and
6 provided to the reporter) during the period allowed, are
7 appended hereto. (Fed. R. Civ. P. 30(e)).

8 Dated: January 24, 2013

9 Sandra Lee Hockin